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OFFICE OF PETITIONS

JONES DAY
222 EAST 41ST ST
NEW YORK NY 10017

In re Application of :
Storer et al. : DECISION ON
Application No. 10/608,907 : PETITION PURSUANT TO
Filed: June 27, 2003 : 37 C.F.R. § 1.182
Attorney Docket No. 11874-055-999 :
Title: MODIFIED 2' AND 3'-NUCLEOSIDE:
PRODRUGS FOR TREATING FLAVIVIRIDAE :
INFECTIONS :

This is in response to the petition pursuant to 37 C.F.R.
§ 1.182, requesting the withdrawal of a terminal disclaimer,
filed on July 2, 2009.

This petition is **GRANTED**.

On July 24, 2008, Petitioner submitted a terminal disclaimer to
overcome a non-statutory double patenting rejection over pending
U.S. application number 11/005,445, in a non-final Office action
mailed January 28, 2008.

With this petition, Petitioner has submitted the petition fee
and a request that the terminal disclaimer that is associated
with pending U.S. application number 11/005,445 be withdrawn.

The Examiner has reviewed Petitioner's request, and has
determined that the previously filed terminal disclaimer should
be withdrawn. An Office communication from the Examiner has
been enclosed with this decision.

The previously filed terminal disclaimer is hereby **WITHDRAWN**.

The Technology Center will be notified of this decision, and
jurisdiction over this application is transferred to the
Technology Center, so that the application may receive further
processing. The Technology Center's support staff will notify

Decision on Petition pursuant to 37 C.F.R. § 1.182

the Examiner of this decision, so that the present application can receive further processing in due course.

Telephone inquiries *regarding this decision* should be directed to the undersigned at (571) 272-3225.¹ All other inquiries concerning examination procedures or status of the application should be directed to the Technology Center.



Paul Shanowski
Senior Attorney
Office of Petitions

Encl. Office communication

¹ Petitioner will note that all practice before the Office should be in writing, and the action of the Office will be based exclusively on the written record in the Office. See 37 C.F.R. § 1.2. As such, Petitioner is reminded that no telephone discussion may be controlling or considered authority for any further action(s) of Petitioner.